

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

REGINA ANKRAH and ISAAC OWUSU-
AFRIYIE, as CO-EXECUTORS OF THE
ESTATE OF ANGELINA OWUSU-AFRIYIE

PLAINTIFFS,

V.

THE UNITED STATES OF AMERICA,
KENNETH K. GERWECK, M.D. AND
SANDRA L. SALERNO, R.N.

DEFENDANTS.

CIVIL ACTION NO: 04-40249

PLAINTIFFS' MOTION TO COMPEL

NOW COME the plaintiffs, Regina Ankrah and Isaac Owusu-Afriyie, as co-executors of the estate of Angelina Owusu-Afriyie, in the above-entitled action and hereby request that this Honorable Court Order UMASS Memorial Health Care to release its original autopsy slides and placental pathology slides pertaining to Angelina Owusu-Afriyie. In support of their motion, the plaintiffs state the following:

1. This is a serious medical malpractice action brought by the plaintiffs, Regina Ankrah and Isaac Owusu-Afriyie as co-executors of the estate of their late daughter, Angelina Owusu-Afriyie. This action has been brought to recover for the wrongful death of Angelina Owusu-Afriyie due to the alleged negligent medical care and treatment rendered to her and her mother by the defendants, The United States of America, Kenneth Gerweck, M.D. and Sandra L. Salerno, R.N.
2. Through the course of discovery, plaintiffs' counsel learned of the existence of both autopsy slides and placental pathology slides that are

in the possession, custody and control of UMASS Memorial Health Care. Plaintiffs' counsel made a written request along with a HIPPA complaint authorization to UMASS Memorial Health Care for the production of these slides as it is necessary for them to be reviewed by an appropriate expert to properly and adequately work-up the case.

3. Risk Management at UMASS Memorial Health Care advised plaintiffs' counsel that it would not release the slides without a Court Order.
4. Plaintiffs' expert disclosure deadline is July 31, 2006. In order to appropriately comply with this deadline, the plaintiffs need to have the slides reviewed by expert witnesses.

WHEREFORE, the plaintiffs respectfully request that this Honorable Court grant their Motion For Release of Original Records and order UMASS Memorial Health Care to release the above-mentioned original autopsy slides and placental pathology slides based upon the aforementioned reasons and in the interests of justice.

Respectfully submitted,
The plaintiffs,
By their attorney,

/s/David W. Suchecki
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